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Intel Legal Team

# Fax

Page 1 of 6

Date: June 13, 2005

To: Douglas M. Menz                      Fax: 703-872-9306                      Phone: 571-272-1877  
United States Patent and Trademark Office

From: Michael D. Plimier                      Fax: 408-765-7723                      Phone: 408-765-7857

Subject:              Serial Number 10/808,021

A CONFIRMATION COPY OF THIS DOCUMENT:

WILL NOT BE SENT

Application No.:              10/808,021  
Filing Date:              March 23, 2004  
First Named Inventor: Ryan Lei et al.  
Group Art Unit:              2891  
Examiner Name:              Douglas M. Menz  
Attorney Docket No.: P18705

Enclosures:

1. Transmittal Form (1 page).
2. Fee Transmittal For FY 2005 (1 page in duplicate)
3. Response to Election Requirement (2 pages).

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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |        |
|--|----------------------|------------------------|--------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/808,021             |        |
|  | Filing Date          | March 23, 2004         |        |
|  | First Named Inventor | Ryan Lei et al.        |        |
|  | Art Unit             | 2891                   |        |
|  | Examiner Name        | Douglas M. Menz        |        |
| Total Number of Pages in This Submission   | 5                    | Attorney Docket Number | P18705 |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks _____   |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |  |  |
| Firm Name   | Intel Corporation  |  |
| Signature   |   |  |
| Printed name  | Michael D. Pilmier   |  |
| Date  | June 13, 2005  | Reg. No. 43,004  |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |
|---|---|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |
| Signature   |  |
| Typed or printed name   | Michael D. Pilmier  |
| Date  | June 13, 2005   |

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/02/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

**Complete if Known**

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/808,021      |
| Filing Date          | March 23, 2004  |
| First Named Inventor | Ryan Lei et al. |
| Examiner Name        | Douglas M. Menz |
| Art Unit             | 2801            |
| Attorney Docket No.  | P18705          |

**METHOD OF PAYMENT** (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 50-0221 Deposit Account Name: Intel Corporation
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | 0              |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | 0              |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | 0              |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | 0              |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | 0              |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50       | 25                    |

Each independent claim over 3 (including Reissues)

|     |     |
|-----|-----|
| 200 | 100 |
|-----|-----|

Multiple dependent claims

|     |     |
|-----|-----|
| 360 | 180 |
|-----|-----|

| Total Claims | Extra Claims | Fee (\$) | Fees Paid (\$) |
|--------------|--------------|----------|----------------|
| - 20 or HP = | x            | =        | 0              |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fees Paid (\$) |
|---------------|--------------|----------|----------------|
| - 3 or HP =   | x            | =        | 0              |

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fees Paid (\$) |
|--------------|--------------|--|----------|----------------|
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        | 0              |

**4. OTHER FEE(S)**


Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge):

0

**SUBMITTED BY**

|                   |   |                                   |        |           |               |
|-------------------|---|-----------------------------------|--------|-----------|---------------|
| Signature         |  | Registration No. (Attorney/Agent) | 43,004 | Telephone | 408-765-7857  |
| Name (Print/Type) | Michael D. Plimler  |                                   |        | Date      | June 13, 2005 |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/09/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).

## FEE TRANSMITTAL

### For FY 2005

|  |  |                          |                 |
|--|--|--------------------------|-----------------|
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |  | <b>Complete if Known</b> |                 |
|  |  | Application Number       | 10/808,021      |
|  |  | Filing Date              | March 23, 2004  |
|  |  | First Named Inventor     | Ryan Lei et al. |
|  |  | Examiner Name            | Douglas M. Menz |
|  |  | Art Unit                 | 2891            |
|  |  | Attorney Docket No.      | P18705          |

|                         |      |      |
|-------------------------|------|------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 0.00 |
|-------------------------|------|------|

**METHOD OF PAYMENT** (check all that apply)

☐ Check 
 ☐ Credit Card 
 ☐ Money Order 
 ☐ None 
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account 
 Deposit Account Number: 50-0221 
 Deposit Account Name: Intel Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below 
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 
 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | 0              |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | 0              |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | 0              |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | 0              |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | 0              |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

**Total Claims** \_\_\_\_\_ **Extra Claims** \_\_\_\_\_ **Fee (\$)** \_\_\_\_\_ **Fee Paid (\$)** \_\_\_\_\_  
 - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = 0  
 HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** \_\_\_\_\_ **Extra Claims** \_\_\_\_\_ **Fee (\$)** \_\_\_\_\_ **Fee Paid (\$)** \_\_\_\_\_  
 - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = 0  
 HP = highest number of independent claims paid for, if greater than 3.


**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| _____        | _____        | _____  | _____    | 0             |

**4. OTHER FEE(S)**

|   | Fee Paid (\$) |
|---|---------------|
| Non-English Specification, \$130 fee (no small entity discount) | 0             |
| Other (e.g., late filing surcharge):                            | 0             |

|                     |   |  |
|---------------------|---|--|
| <b>SUBMITTED BY</b> |   |  |
| Signature           |  | Registration No. (Attorney/Agent) 43,004 |
| Name (Print/Type)   | Michael D. Plimier  | Telephone 400-765-7857                   |
|                     |   | Date June 13, 2005                       |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 13 2005

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re utility Patent Application for:

Ryan Lei et al.

Application No. 10/808,021

Filed: March 23, 2004

For: **STRAINED SILICON WITH  
REDUCED ROUGHNESS**

Examiner: Menz, Douglas M.

Art Group: 2891

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In response to the Office Action mailed June 3, 2005, Applicant hereby elects to prosecute Group I claims 1-6. As such, Applicant elects to withdraw Group II claims 7-15.

Respectfully submitted,

Dated: June 13, 2005Michael D. Plimier  
Reg. No. 43,004  
ATTORNEY FOR APPLICANTSIntel Corporation  
Mail Stop SC4-202  
P.O. Box 5326  
Santa Clara, CA 95056-5326  
(408) 765-7857

**CERTIFICATE OF TRANSMISSION**  
(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on June 13<sup>th</sup>, 2005.

Michael Plimier  
Name of Person Sending Facsimile

[Signature]  
Signature